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# THE PAROLING OF PRISONERS SENTENCED TO JAILS WITH SPECIAL REFERENCE TO THE SITUATION IN WISCONSIN.

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The problem of proper labor for the misdemeanant during his term of sentence, has always been a very puzzling one to the penal authorities. The sentence is usually short, the jails are antiquated, and without provision for working the prisoners about the jail in any thoroughgoing fashion. The result has been that the jails have filled up with prisoners who are drunkards or who have committed some petty crime while drunk, and with certain other minor offenders whose sentences are short. Because of the lack of labor in connection with the jail these men have practically been sentenced to idleness in the county jails, and their time has been spent in smoking, chewing tobacco, and playing cards. They have been fed and clothed at the expense of the taxpayers and have been kept in idleness because no constructive efforts have been made to cause them to earn their daily bread while incarcerated.

Europe has commenced a number of experiments in the treatment of these minor offenders by providing farm colonies on which they could work and maintain themselves while in charge of the state. The great farm colony at Merxplas, near Antwerp, Belgium, is one of the best known of these institutions. Holland had a similar one, and Switzerland has developed under Mr. Kellerhals, an excellent farm colony at Witzwil in the Canton of Berne. New York State has provided the land for a farm colony and is going forward with her preparations for this method of treating her misdemeanant. The city of Cleveland, Ohio, under the wise guidance of Mr. Cooley, has provided a farm colony for the city prisoners. The District of Columbia has worked out a similar plan under Mr. Whittaker. Moreover, Mr. Whittaker has perfected a plan whereby some of these men are worked in camps away from the workhouse itself, part of their wages being paid to their dependents.

Wisconsin, two years ago, was moved to make arrangements for the jail prisoners of the whole state. A law was passed and approved July 10th, 1913, which amended the sections of the statutes relating

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to the employment of persons committed to jails and workhouses at hard labor, and the payment of their earnings to those dependent upon them.

*Provisions of the Law.*—The law provides that any male person over sixteen years of age, convicted within the county of any offense of which a Justice of the Peace, under the general law, has jurisdiction to hear, try, and determine, or any person convicted in any court of any felony where jail sentence is imposed by the court, shall be punished by imprisonment in the workhouse, if the county has such workhouse, or in the county jail, as provided by this amendment, at the discretion of the court. In case anyone so sentenced to hard manual labor shall refuse to work, he may be punished by solitary confinement for ten days on bread and water. In those counties which do not have workhouses, such persons shall be sentenced to the county jail at hard labor. They may be required to perform any suitable hard labor for not to exceed ten hours each day except in the case of farm labor, when they may be worked not more than twelve hours, Sundays and holidays excepted. The sheriff is to provide for this labor anywhere within the county. The court sentencing such persons, however, has the power at the time of imposing sentence or at any time thereafter, to direct the kind of labor at which the prisoner shall be employed, and the nature of the care and treatment such person shall receive. Such direction is to be based upon a reasonable consideration of the health and training of such person and of his ability to perform labor of various kinds and also upon the ability of the sheriff to find employment for the prisoner. For faithful performance of the duties assigned under the provisions of this act, the prisoner is entitled to a deduction from his sentence of one-fourth of the time. Any person attempting to escape is liable to a fine of not more than \$500.00 or to imprisonment in the state prison or county jail of not more than one year. The law also has provision for the punishment of those who may furnish such prisoners intoxicating liquors. The law requires that the sheriff shall make contracts in writing for the employment of such convicted persons where they are not employed in doing work for the county and to make all needful regulations for their employment and for the collection of their earnings. A penalty is provided for the sheriff who neglects or refuses to carry out the provisions of the act. The court is to determine at the time of the trial what person or persons if any are actually dependent upon the prisoner for support. The court also at the same time shall designate the person to whom payments are to be made for such dependent person or persons, and the sheriff must at the end of each week pay over to

the person designated by the court a sum equal to the value of the earnings of the prisoner, or in case the prisoner has worked for the county the sheriff is to deliver at the end of each week to the person designated by the court an amount equal to \$1.00 per day for the time actually worked for the county by the prisoner. The money collected for the wages of those who have no one dependent upon them is to be turned in to the county treasurer. The act provides that in those counties where the sheriffs are paid a salary they shall receive no extra compensation for this part of the work, but where the sheriffs are paid by fees, they are to receive such compensation as may be fixed by the county board.

The evident intention of the law is to prevent men sentenced to a jail sentence from lying idly in jail, supported by the county, while their families are dependent upon some other than their natural supporter for their sustenance. The act also intends to make escape a felony for which the prisoner may be extradited from a neighboring state. A subsidiary purpose of the act is evidently to secure work for these men in the open air so that their health may not be destroyed.

*How the Law Has Worked.*—It is now nearly two years since the law has gone into effect. The inspectors of the Board of Control, whose business it is to inspect all county jails and lockups, are required to ascertain whether the provisions of this law are carried out in each county, and if not whether any attempt has been made to carry them out, and if attempts have been made to carry out the provisions of this law what the results were. A perusal of these reports shows that 21 counties are not using the law, while 38 report that they are using it. Fifteen of those who are not using it claim that they attempted to put it into operation but failed. Good results are reported by 23, fair results by one, not satisfactory by one, poor by three, and mostly satisfactory by one. Twenty counties reported that they found difficulty in finding work, one that work was plentiful in summer but scarce in winter. Four reported that they turned over money earned to the families, one county reporting that over \$6,000 was collected and turned over to dependents. Another county reported that it had eighteen men at work under this law at the time of the report. Only two counties reported that men who had been thus employed ran away. One county reported that the judge was opposed to sentencing men under this law.

On the whole, therefore, the law seems to be operating fairly well. The chief difficulty is that of finding work for the men. This is partly due, of course, to the varying industrial development of the counties. In one county it is easy to find work suited to the men under

the provisions of the law, and in another it is hard. Inasmuch as the law has been in operation only two years, it may be fairly said that it has worked out unexpectedly well. Much of the difficulty, without doubt, is due to the personality of the sheriff. One sheriff will find it easy to secure employment for the men, while another in the same county might have difficulty. There can be no question that as compared with the old conditions under which the men lay idle in jail or worked on a stone pile in the workhouse, the new law is a great step in advance. It means a great deal of extra work for the sheriffs and inasmuch as there is no extra compensation involved, for those sheriffs employed on a salary, the natural tendency is for the sheriff to do nothing about it provided he can make it appear that he has tried. One would expect that in those counties where the fee system of paying sheriffs prevails, and where extra compensation is therefore given to the sheriff for finding employment for the men, the system would be much more thoroughly worked out than in which the sheriff is paid a salary. There are no figures available from the records of the Board of Control to show whether or not this is the case.

Doubtless the law could be very much improved and in the course of time it probably will be. When once the tax-payers come to appreciate the value of this law as a means of lessening the county expenses and when sheriffs and county boards realize that a prisoner at work means that the county or township or city does not have to support his family, the law will be much more effective.

The opinions of certain of the sheriffs and families of the men may be of value in giving concreteness to the situation. Sheriff Whipple, of Rock County, after the law had been in operation less than a year, reported to Senator Huber as follows:

"If sentences under this law continue I will be forced to secure the services of a bookkeeper and secretary and dispense with the services of the turnkey. In both Janesville and Beloit courts almost every conviction made in the last ten weeks has been for sentences ranging from thirty to ninety days under this law, and with the exception of prisoners awaiting trial or undergoing ten days' sentences on bread and water, or awaiting transportation to some penal institution, the jail is empty." He notes also that the effect of the law has been to cause a general exodus of "habituals" from the city and to produce a scarcity of tramps in the county. He reports further that many of those who have been found jobs by the sheriff remain at their jobs after their terms have expired. District Attorney Storms, of Racine County, reported that all of the prisoners employed under this law were very much pleased both because of the work which was out-

side of the jail, and also because it enabled them to reduce their sentences. In Dane County from July 10th to October 18th, after the law went into effect, sixteen persons had been committed under this act. Six of these committments had been for the abandonment of wife and children. One of these men had not supported his family for several years. His wife was an invalid with one small child. This man had been convicted repeatedly and sent to jail for drunkenness. He was committed under this law for six months and when he had served his time the sheriff had paid the family \$104.50. During this time, of course, the man had not touched liquor and told the sheriff when released that he would never touch it again. Just before he was released his wife called up the sheriff's office and plead that his sentence continue indefinitely as she had never experienced such good results in family affairs before.

One can see no reason why, with fairly intelligent judges and sheriffs, possessed of a desire both for economy and for the promotion of the welfare both of the men and their families, this law should not prove to be a decided success in the treatment of misdemeanants. It has the advantage over the farm colony plan in that it provides men work in normal relations and secures the same results. It has the disadvantage that the work is not so easy to secure as when it is already at hand on a farm near the workhouse or colony. Further experiment with the law will be watched with great interest.